
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

PETE JOE VILLEGAS, §
§
Petitioner, §
§
versus § CIVIL ACTION NO. 1:18-CV-287
§
§
WARDEN, USP BEAUMONT, §
§
Respondent. §

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Pete Joe Villegas, formerly an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the above-styled petition (docket entry no. 57).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.¹ This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes petitioner's objections are without merit. Petitioner contends his petition is not moot following his release from confinement because he must serve a term of supervised release. However, since petitioner was released from custody,

¹ Petitioner filed a motion for extension of time to file objections in which he also asserted objections to the Report. Petitioner's motion for extension of time was granted; however, he filed no additional objections.

even if the Bureau of Prisons improperly calculated his sentence, the BOP can no longer provide the requested relief of crediting his sentence. Additionally, as the Supreme Court has recognized, “[t]he objectives of supervised release would be unfulfilled if excess prison time were to offset and reduce terms of supervised release.” *United States v. Johnson*, 529 U.S. 53, 59 (2000). Petitioner’s time in prison is not interchangeable with his term of supervised release. *Id.* at 60. Thus, petitioner’s objection is without merit. Further, petitioner has been awarded all time credits to which he is entitled. Therefore, in the alternative, the petition is denied.

Petitioner was sentenced in the United States District Court for the Southern District of Texas. The sentencing court may modify an individual’s conditions of supervised release. *Id.* However, this court is without jurisdiction to modify his conditions of supervision. Petitioner may wish to raise such a claim in the Southern District of Texas.

ORDER

Accordingly, petitioner’s objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge’s recommendation.

SIGNED at Beaumont, Texas, this 3rd day of March, 2021.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE